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NOTIFICATIONS BY GOVERNMENT

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NOTIFICATIONS BY GOVERNMENT

HOME DEPARTMENT

Amendments to the Tamil Nadu Suspension of Sentence Rules.

[G.O. Ms. No. 205, Home (Prison-V), 25th April 2022, சித்திரை 12, சுபகிருது, திருவள்ளூர் ஆண்டு-2053.]

No. SRO A-7/2023.—In exercise of the powers conferred by sub-section (5) of Section 432 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the Governor of Tamil Nadu hereby makes the following amendments to the Tamil Nadu Suspension of Sentence Rules, 1982.

AMENDMENTS

In the said Rules:-

(1) for the expression "the Inspector-General of Prisons", wherever it occurs, the expression "the Director General of Prisons and Correctional Services" shall substituted;

(2) in rule 21, after clause (g), the following clauses shall be added, namely:-

"(h) Prisoners convicted for heinous offences, namely:-

- (1) terrorist crimes;
- (2) kidnapping for ransom;
- (3) smuggling of commercial quantity of narcotic and psychotropic substances

(i) Prisoners who may not report back to the prison after the completion of the leave period;

(j) Convicted foreigners;

(k) Prisoners, whose work and conduct have not been good during the preceding twelve months";

(3) for rule 22, the following rule shall be substituted, namely:-

"22. *Eligibility for ordinary leave.*- (1) No prisoner shall be granted ordinary leave unless he has been sentenced by a court in this State to imprisonment for a term or imprisonment for life for an offence against any law other than a law relating to a matter to which the executive power of the Union Government extends and he has completed.-

(a) one year of imprisonment in cases of prisoners sentenced to imprisonment for a period not exceeding five years;

(b) two years of imprisonment in cases of prisoners sentenced to imprisonment for a period exceeding five years but not more than fourteen years;

(c) three years of imprisonment in cases of prisoners sentenced to imprisonment for a period exceeding fourteen years and for life.

Explanation.- The period of actual imprisonment shall be counted from the date of admission to prison as convict.

(2) The ordinary leave shall not exceed the period as specified below at a time, unless extended by the Government:-

(a) twenty one days for the prisoners sentenced to imprisonment for a period not exceeding five years;

(b) twenty one days from the third to fifth years of imprisonment and not exceeding twenty eight days during the rest of the term of imprisonment for the prisoners sentenced to imprisonment for a period exceeding five years but not more than fourteen years;

(c) twenty one days during the fourth and fifth years of imprisonment; not exceeding twenty eight days from the sixth year of imprisonment to fourteenth year of imprisonment and not exceeding forty days during the rest of the term for prisoners sentenced to imprisonment for life and those sentenced exceeding fourteen years:

Provided that the maximum period of forty days of ordinary leave may be availed in one spell or in two spells of any duration.

(3) The prisoner shall be granted the second or subsequent spell of ordinary leave not exceeding the period mentioned in sub rule (2) above, after the completion of one year of imprisonment from the date on which he returns from the last ordinary leave.";

(4) for rule 24, the following rule shall be substituted, namely:-

"24. *Process of Petition.* - (1) All petitions for the grant of ordinary leave submitted to the Superintendent of Prisons shall be referred to the Probation Officer concerned within three days of its receipt for reports on the advisability of the ordinary leave of the prisoner in question.

(2) (a) The Probation Officer shall personally enquire into and send his report to the Superintendent of Prisons in Form I within ten days of its receipt from the Superintendent of Prisons.

(b) In cases where the Probation Officer feels that the release on leave of a prisoner is likely to involve breach of peace in the locality, he shall consult the local Inspector of Police/Sub-Inspector of Police (Station House Officer), solely with a view to avoid any breach of peace and record the views of the Inspector of Police or Sub-Inspector of Police (Station House Officer) in the Form I.

(c) In respect of other cases, in which there is no likelihood of breach of peace, the Probation Officer shall send his report direct to the Superintendent of Prisons without consulting the local Inspector of Police or Sub-Inspector of Police (Station House Officer).

(3) On receipt of report from the Probation Officer, the Superintendent of Prisons, shall forward the petition along with the records such as the Nominal Roll of the prisoner, Check memorandum in Form II, statement showing the details of leave availed by the prisoner from the date of his conviction, a statement showing the offences committed by the prisoner and punishment awarded, and the Probation Officer's report within six days to the Deputy Inspector General of Prisons for orders.

(4) (a) The Deputy Inspector General of Prisons may, on consideration of the petition and the records and reports received along with the petition pass such orders as he deems fit within seven days of receipt of the proposal from the Superintendent of Prisons.

(b) In cases where all petitions submitted directly to the Deputy Inspector General of Prisons, the petition shall be forwarded to the Probation Officer concerned through the Superintendent of Prisons concerned within three days for further course of action.

(5) In any event, the whole process of disposal of petition should not exceed twenty eight days from the date of receipt of petition."; (5) in rule 29 and in sub-rule (1) of rule 30 for the expression "Sub-Inspector of Police", the expression "Inspector of Police or Sub-Inspector of Police (Station House Officer)" shall be substituted.

S.K. PRABAKAR,
Additional Chief Secretary to Government.

LABOUR WELFARE AND SKILL DEVELOPMENT DEPARTMENT

Amendment to the Tamil Nadu Plantations Labour Rules.

[G.O. Ms. No. 4, Labour Welfare and Skill Development (K2), 19th January 2023,
தை 5, சுபகிருது, திருவள்ளூர் ஆண்டு-2054.]

No. SRO A-8/2023.— In exercise of the powers conferred by sub-section (1) of Section 43 read with Section 18 of the Plantations Labour Act, 1951 (Central Act LXIX of 1951), the Governor of Tamil Nadu hereby makes the following amendment to the Tamil Nadu Plantations Labour Rules, 1955, the draft of the same having been previously published as required under sub-section (1) of Section 43 of the said Act.

AMENDMENT

In the said Rules, in rule 68-B, after clause (i), the following clause shall be inserted, namely:-

"(j) **A Diploma in Labour Laws with Administrative Law awarded by the Tamil Nadu Institute of Labour Studies, Chennai**".

MD. NASIMUDDIN,
Additional Chief Secretary to Government.